

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. BRIDGEMAN,

Plaintiff,

vs.

SAN DIEGO COUNTY SHERIFF'S
DEPARTMENT, et al,

Defendants.

No. C 10-4731 JSW (PR)

ORDER OF TRANSFER

(Docket No. 2)

Plaintiff, an inmate in the San Diego County Jail, has filed this civil rights action under 42 U.S.C. § 1983. Plaintiff has filed an application to proceed *in forma pauperis* (docket no. 2.).

When, as here, jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court *sua sponte* where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

Plaintiff's claims arise out of events occurring at the San Diego County Jail and at


1 a nearby hospital. Defendants are also located in San Diego County. San Diego County
2 is located within the venue of the United States District Court for the Southern District of
3 California.

4 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28
5 U.S.C. § 1406(a), that this action be TRANSFERRED to the United States District Court
6 for the Southern District of California. In light of the transfer, the Court will not resolve
7 Plaintiff's request for leave to proceed *in forma pauperis* and the Clerk shall terminate
8 docket number 2 from this Court's docket.

9 The Clerk of the Court shall transfer this matter forthwith.

10 IT IS SO ORDERED.

11 DATED: November 30, 2010



JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL D. BRIDGEMAN,
Plaintiff,

Case Number: CV10-04731 JSW

CERTIFICATE OF SERVICE

v.

SAN DIEGO COUNTY et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 30, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Michael Dayne Bridgeman
A.D 9461
R.J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

Dated: November 30, 2010



Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk